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07 DEC 2007

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In re Application of  
**RUBASSAY**  
Application No.: 10/516,757  
PCT No.: PCT/US03/09031  
Int. Filing Date: 25 March 2003  
Priority Date: 25 March 2002  
Attorney Docket No.: GTI-1490-USN  
For: MINIMIZING METAL TOXICITY  
DURING ELECTROPORATION ENHANCED  
DELIVERY OF POLYNUCLEOTIDES

**DECISION**

This application is before the PCT Legal Office for consideration of matters arising under 35 U.S.C. 371.

A review of the above referenced application shows that on 26 August 2005, a decision was mailed to applicant granting his petition to revive under 37 CFR 1.137(b) filed 04 December 2004 in the above-captioned application.

However, on 27 September 2005, a decision vacating the decision mailed on 26 August 2005 was mailed indicating that applicant had failed to pay the appropriate basic national fee.

On 20 August 2007, a Notification of Abandonment was mailed to applicant.

On 05 October 2007, a petition to revive under 27 CFR 1.137(b) was filed.

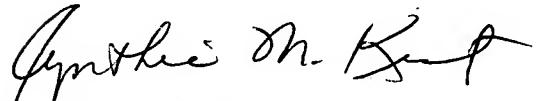
A petition under 37 CFR 1.137(b) must be accompanied by (1) a proper response unless it has been previously submitted, (2) the fee required by law for revival of an unintentionally abandoned application (1.17(m)), and (3) a statement that the "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional".

A review of the application file reveals that the basic national fee of \$310 was paid. However, applicant only paid a petition fee of \$1500. The correct fee for a petition to revive an unintentionally abandoned application on 05 October 2007 was

\$1540. Applicant did not provide a deposit account authorization for the shortfall. Thus, the requirements of 37 CFR 1.137(b) have not been satisfied. The request to revive the application abandoned under 35 U.S.C. 371(d) is dismissed as to the National stage in the United States of America.

Applicant's petition to revive international application no. PCT/US03/09031 under 37 CFR 1.137(b) is **DISMISSED WITHOUT PREJUDICE**.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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